



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,985	11/26/2001	Brian N. Benschoter	61575-1005	2859

7590

07/19/2005

Alex L. Yip
Kaye Scholer LLP
425 Park Avenue
New York, NY 10022

EXAMINER

BATURAY, ALICIA

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/994,985	BENSCHOTER ET AL.	
	Examiner	Art Unit	
	Alicia Baturay	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9, 10, 12-29, 32-41, 46-50 and 52-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 20 and 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>05072002</u> . | 6) <input type="checkbox"/> Other: _____ |

PD

DETAILED ACTION

1. This Office Action is in response to the amendment filed 12 May 2005.
2. Claims 1, 2, 9, 10, 15, 16, 19-21, 32, 46, 47, 56, 57, and 60 were amended.
3. Claims 6-8, 11, 30, 31, 42-45, and 51 were cancelled.
4. Claims 1-5, 9, 10, 12-29, 32-41, 46-50, 52-60 are pending in this Office Action.

Response to Amendment

5. The objection to the specification regarding the abstract was addressed and is withdrawn.
6. The objection to the specification regarding the embedded hyperlink was addressed and is withdrawn.
7. The rejection is respectfully maintained as set forth in the last Office Action mailed on 9 February 2005. Applicant's arguments with respect to claims 1-60 have been fully considered but they are deemed to be moot and the old rejection maintained.

Claim Objections

8. Claim 20 is objected to because of the following informalities: on page 7, Applicant states "presenting the user selected information segments represented by the *the* respective indicators..." It is suggested that the second recitation of "the" be deleted. Appropriate correction is required.
9. Claim 47 is objected to because of the following informalities: on page 11, Applicant states "a memory into which the user selected information segments *is* loaded" It is believed

Art Unit: 2155

Applicant meant to write "a memory into which the user selected information segments *are* loaded". Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-5, 9, 10, 12-29, 32, 33, 35-41, 46-50, and 52-60 are rejected under 35 U.S.C. 102(e) as being unpatentable over Ahmad et al. (U.S. 6,263,507).

Ahmed teaches the invention substantially as claimed including a method of reviewing audio, video, or text data or a combination of the three, enabling the data to be quickly reviewed to obtain an overview of the content of the body of information and allowing flexibility in the manner in which the body of information is reviewed (Ahmad, see Abstract).

12. With respect to claim 1, Ahmad teaches a method for providing a user with information from a database, comprising:

Storing a plurality of information segments in the database (Ahmad, col. 30, lines 18-22); providing an option to review content of at least part of an information segment; allowing the user to select information segments from the database (Ahmad, col. 29, lines 59-62), the user

Art Unit: 2155

selected information segments being represented by indicators stored in a buffer, the indicators being arranged in a sequence in the buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); and allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in which the user selected information segments are to be presented to the user (Ahmad, col. 23, lines 13-17).

13. With respect to claim 2, Ahmad teaches the invention described in claim 1, including the method further comprising loading the user selected information segments into a memory (Ahmad, col. 30, lines 18-22).
14. With respect to claim 3, Ahmad teaches the invention described in claim 2, including the method where the memory is associated with a personal computer (Ahmad, col. 30, lines 18-22).
15. With respect to claim 4, Ahmad teaches the invention described in claim 2, including the method where the memory is associated with a set-top box (Ahmad, col. 11, lines 36-40).
16. With respect to claim 5, Ahmad teaches the invention described in claim 2, including the method where the memory is associated with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).

17. With respect to claim 9, Ahmad teaches the invention described in claim 1, including the method where a presentation of the user selected information segments includes playing, pausing, rewinding, or fast forwarding the corresponding information segments (Ahmad, Fig. 2B, element 216; col. 15, lines 45-57).
18. With respect to claim 10, Ahmad teaches the invention described in claim 1, including the method where the user selected information segments include video clips (Ahmad, Fig. 2B, element 216; col. 15, lines 45-57).
19. With respect to claim 12, Ahmad teaches the invention described in claim 1, including the method where at least one of the information segments in the database contains visual information (Ahmad, col. 9, lines 47-60).
20. With respect to claim 13, Ahmad teaches the invention described in claim 1, including the method where at least one of the information segments in the database contains audio information (Ahmad, col. 9, lines 47-60).
21. With respect to claim 14, Ahmad teaches the invention described in claim 1, including the method where at least one of the information segments in the database contains text information (Ahmad, col. 9, lines 47-60).

22. With respect to claim 15, Ahmad teaches the invention described in claim 1, including the method further comprising presenting the user selected information segments on a computer (Ahmad, col. 11, lines 55-64).
23. With respect to claim 16, Ahmad teaches the invention described in claim 1, including the method further comprising presenting the user selected information segments on a television (Ahmad, col. 5, lines 42-44).
24. With respect to claim 17, Ahmad teaches the invention described in claim 16, including the method where the television interfaces with a set-top box (Ahmad, col. 11, lines 36-40).
25. With respect to claim 18, Ahmad teaches the invention described in claim 16, including the method where the television interfaces with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).
26. With respect to claim 19, Ahmad teaches the invention described in claim 1, including the method further comprising presenting the user selected information segments on a media player (Ahmad, col. 13, lines 62-67).
27. With respect to claim 20, Ahmad teaches a method for presenting to a user information segments from a database, comprising:

Art Unit: 2155

Providing a buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); receiving from the user selections of information segments in the database (Ahmad, col. 29, lines 59-62), the user selected information segments being represented by respective indicators in the buffer, the indicators being arranged in a sequence in the buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); allowing the user to rearrange the sequence of the indicators; and presenting the user selected information segments represented by the respective indicators, the user selected information segments being presented in the same order as the respective indicators in the sequence (Ahmad, col. 23, lines 13-17).

28. With respect to claim 21, Ahmad teaches the invention described in claim 20, including the method further comprising loading the user selected information segments into a memory (Ahmad, col. 30, lines 18-22).

29. With respect to claim 22, Ahmad teaches the invention described in claim 21, including the method where the memory is associated with a personal computer (Ahmad, col. 30, lines 18-22).

30. With respect to claim 23, Ahmad teaches the invention described in claim 21, including the method where the memory is associated with a set-top box (Ahmad, col. 11, lines 36-40).

Art Unit: 2155

31. With respect to claim 24, Ahmad teaches the invention described in claim 21, including the method where the memory is associated with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).
32. With respect to claim 25, Ahmad teaches the invention described in claim 20, including the method where the buffer includes a virtual cart (Ahmad, col. 16, lines 56-67).
33. With respect to claim 26, Ahmad teaches the invention described in claim 20, including the method where at least one of the information segments in the database includes a video clip (Ahmad, col. 9, lines 47-60).
34. With respect to claim 27, Ahmad teaches the invention described in claim 20, including the method where at least one of the information segments in the database contains visual information (Ahmad, col. 9, lines 47-60).
35. With respect to claim 28, Ahmad teaches the invention described in claim 20, including the method where at least one of the information segments in the database contains audio information (Ahmad, col. 9, lines 47-60).
36. With respect to claim 29, Ahmad teaches the invention described in claim 20, including the method where at least one of the information segments in the database contains text information (Ahmad, col. 9, lines 47-60).

Art Unit: 2155

37. With respect to claim 32, Ahmad teaches a method for presenting to a user information segments from a database, comprising:

Receiving a request including one or more preferences concerning desired information segments; searching the database in response to the request (Ahmad, col. 15, lines 45-49); providing an indicator representative of at least one information segment selected from the database which satisfies the preferences (Ahmad, col. 17, lines 9-18); placing the indicator in a buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); arranging the indicator with at least a second indicator in the buffer in a sequence, the second indicator being representative of a second information segment; allowing the user to rearrange the indicators in the buffer in a selected order; and presenting the selected information segment and the second information segment according to the selected order of the indicators representative in the buffer (Ahmad, col. 23, lines 13-17).

38. With respect to claim 33, Ahmad teaches the invention described in claim 32, including the method where the request is formulated in accordance with a predetermined search template (Ahmad, col. 15, lines 45-49).

39. With respect to claim 35, Ahmad teaches the invention described in claim 32, including the method where the request is received through a network (Ahmad, col. 20, lines 7-15).

40. With respect to claim 36, Ahmad teaches the invention described in claim 35, including the method where the network includes at least part of an Internet (Ahmad, col. 20, lines 7-15).
41. With respect to claim 37, Ahmad teaches the invention described in claim 32, including the method where the buffer includes a virtual cart (Ahmad, col. 16, lines 56-67).
42. With respect to claim 38, Ahmad teaches the invention described in claim 32, including the method where at least one of the information segments in the database includes a video clip (Ahmad, col. 9, lines 47-60).
43. With respect to claim 39, Ahmad teaches the invention described in claim 32, including the method where at least one of the information segments in the database contains visual information (Ahmad, col. 9, lines 47-60).
44. With respect to claim 40, Ahmad teaches the invention described in claim 32, including the method where at least one of the information segments in the database contains audio information (Ahmad, col. 9, lines 47-60).
45. With respect to claim 41, Ahmad teaches the invention described in claim 32, including the method where at least one of the information segments in the database contains text information (Ahmad, col. 9, lines 47-60).

Art Unit: 2155

46. With respect to claim 46, Ahmad teaches a system for serving information segments for presentation thereof, comprising:

A database containing a plurality of information segments (Ahmad, col. 30, lines 18-22); a processing unit for providing an option to review content of at least part of an information segment (Ahmad, col. 9, lines 47-60); an interface for allowing a user to select information segments from the database (Ahmad, col. 29, lines 59-62), the user selected information segments being represented by indicators stored in a buffer, the indicators being arranged in a sequence in the buffer (Ahmad, Fig. 2A, element 203; col. 16, line 56 – col. 17, line 8); and a controller for allowing the user to rearrange the sequence of the indicators in the buffer to affect an order in which the user selected information segments are to be presented to the user (Ahmad, col. 23, lines 13-17).

47. With respect to claim 47, Ahmad teaches the invention described in claim 46, including the system further comprising a memory into which the user selected information segments are loaded (Ahmad, col. 30, lines 18-22).

48. With respect to claim 48, Ahmad teaches the invention described in claim 47, including the system where the memory is associated with a personal computer (Ahmad, col. 30, lines 18-22).

49. With respect to claim 49, Ahmad teaches the invention described in claim 47, including the system where the memory is associated with a set-top box (Ahmad, col. 11, lines 36-40).

Art Unit: 2155

50. With respect to claim 50, Ahmad teaches the invention described in claim 47, including the system where the memory is associated with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).
51. With respect to claim 52, Ahmad teaches the invention described in claim 46, including the system where at least one of the information segments in the database includes a video clip (Ahmad, col. 9, lines 47-60).
52. With respect to claim 53, Ahmad teaches the invention described in claim 46, including the system where at least one of the information segments in the database contains visual information (Ahmad, col. 9, lines 47-60).
53. With respect to claim 54, Ahmad teaches the invention described in claim 46, including the system where at least one of the information segments in the database contains audio information (Ahmad, col. 9, lines 47-60).
54. With respect to claim 55, Ahmad teaches the invention described in claim 46, including the system where at least one of the information segments in the database contains text information (Ahmad, col. 9, lines 47-60).

Art Unit: 2155

55. With respect to claim 56, Ahmad teaches the invention described in claim 46, including the system further comprising a computer for presenting the user selected information segments (Ahmad, col. 11, lines 55-64).
56. With respect to claim 57, Ahmad teaches the invention described in claim 46, including the system further comprising a television for presenting the user selected information segments (Ahmad, col. 5, lines 42-44).
57. With respect to claim 58, Ahmad teaches the invention described in claim 57, including the system where the television interfaces with a set-top box (Ahmad, col. 11, lines 36-40).
58. With respect to claim 59, Ahmad teaches the invention described in claim 57, including the system where the television interfaces with a personal video recorder (Ahmad, col. 19, line 66 – col. 20, line 4).
59. With respect to claim 60, Ahmad teaches the invention described in claim 46, including the system further comprising a media player for presenting the user selected information segments (Ahmad, col. 13, lines 62-67).

Claim Rejections - 35 USC § 103

60. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

61. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad and further in view of Herz et al. (U.S. 6,020,883).

62. With respect to claim 34, Ahmad teaches the invention described in claim 34, including providing an indicator representative of at least one information segment selected from the database which satisfies the preferences (Ahmad, col. 17, lines 9-18).

Ahmad does not explicitly teach a method of deriving preferences from a user preference file.

However, Herz teaches the method where the preferences are derived from a user preference file (Herz, col. 9, lines 31-35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ahmad in view of Herz in order to derive preferences from a user preference file. One would be motivated to do so in order to form a program made up of a composite of several source materials for a particular user.

Response to Arguments

63. Applicant's arguments filed 3 November 2004 have been fully considered, but they are not persuasive for the reasons set forth below.

64. ***Applicant Argues:*** Applicant states Ahmad 'does not teach or suggest "allowing [a] user to rearrange the sequence of the indicators in the buffer,' representative of information segments, 'to affect an order in which the...information segments are to be presented to the user.'"

In Response: The examiner respectfully submits that Ahmad teaches allowing [a] user to rearrange the sequence of indicators in the buffer, representative of information segments, to affect an order (enabling the user to sort segments) in which the...information segments are to be presented to the user (to cause display of the primary information). This renders the rejection proper, and thus rejection stands.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
July 14, 2005



SAYEH NAJAR
PRIMARY EXAMINER